

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF PENNSYLVANIA

Warren Enslay
Plaintiff

No. 20-156 Ene

v.

Overlander, et al

Honorable Judge

Lanzillo

RECEIVED

JUN 18 2020

Complaint in support of Temporary Restraining order

CLERK, U.S. DISTRICT COURT
WEST. DIST. OF PENNSYLVANIA

Preliminary Injunction

Facts:

Plaintiff suffers irreparable harm being denied mental health treatment as a mental health inmate. Plaintiff is on brink of suicide as his mental state is exacerbating in 73-1 lockdown denied mental health treatment as defendants has created a culture to deny inmates mental health treatment to save monies and make it appear D.O.C. is approaching mental health issue by depriving inmates of their stability D.O.C. which is severely mentally ill. Which plaintiff was diagnosed with numerous of times while in D.O.C. but was deprived of such to be force to stay in long term lockdown R.R.L. with a Parole date. Plaintiff is currently a mental stability C grade with mental health diagnoses that are not being approached. Plaintiff has committed self harm and have daily thoughts of suicide. Defendants ignore, torture and attempt to sweep issues under the rug denying plaintiff treatment in which he is deteriorating. No treatment provided Plaintiff is in immediate danger and may kill himself/commit suicide and continue to commit self harm.

Defendants are withholding his discovery which shows a pattern and not letting him view his discovery videos/documents as needed as a pre-se. Defendants have not placed proper precautions in place to combat Covid-19 as cleaning supplies not given and common areas not cleaned. Defendants also house plaintiff around inmates who are quarantined with inmates who may have come in contact with covid-19 which is a risk of death.

Complaint

1. Warren Ensley is Plaintiff and is currently housed at S.C.I. Forest P.O. Box 945 Marienville PA 16239
2. Dennis Oberlander is superintendent at S.C.I. Forest at P.O. Box 945 Marienville PA 16239
3. Renee Adam is Deputy Superintendent at S.C.I. Forest and oversee mental health treatment at P.O. Box 945 Marienville PA 16239
4. Bruce Simon is licensed psychologist manager and oversee psychology services at S.C.I. Forest P.O. Box 945 Marienville PA 16239
5. Lisa Reher is superintendent assistant and oversee legal services at S.C.I. Forest P.O. Box 945 Marienville PA 16239
6. Captain Apodaca is R.H.U. Captain at S.C.I. Forest P.O. Box 945 Marienville PA 16239
7. Dave Perry is Unit manager of R.H.U. at Forest P.O. Box 945 Marienville PA 16239

8. Lucas Malishchuk is Director of psychology of D.O.C. at central office 1920 Mechanicsburg PA 17050.
9. Dr. Wright (ms/mrs.) is a psychologist at central office of D.O.C. 1920 Technology Parkway Mechanicsburg PA 17050
10. John Setzel is Secretary of D.O.C. at central office at 1920 Technology Parkway Mechanicsburg PA 17050.
11. Kim Smith is director of medical at S.C.I. Forest P.O. Box 945 Marienville PA 16239
12. Talc Bickel is executive secretary of D.O.C. at central office at 1920 Technology Parkway Mechanicsburg PA 17050
13. Jodi Sheesley is a psychologist at S.C.I. Forest in the P.H.U. at P.O. Box 945 Marienville PA 16239
14. Ernie Mangeluzzo is Deputy superintendent at Forest and is a member of P.R.C. at P.O. Box 945 Marienville PA 16239.
15. Major Blich is a major at Forest and is member of P.R.C. at P.O. Box 945 Marienville PA 16239
16. C.C.P.m. Gustafson is a Program manager and is a member of P.R.C. at P.O. Box 945 Marienville PA 16239.

17. Plaintiff's mental health stability has exacerbated over the last 15 months at S.C.I. Forest under 23-1 lockdown in punitive segregation with mental health diagnoses and no mental health treatment.
18. Plaintiff has an extensive history of mental health issues stemming from childhood that has led him to mental hospitals on 303 commitments and medication since he was 14 years old.
19. Plaintiff has been in the Department of Corrections for 9 years and has been diagnosed with major depression, Bipolar, Paranoid schizophrenia, antisocial, multiple personality and impulse control disorder.
20. Plaintiff was classified mentally disabled and diagnosed with severe mental illness with major depression, Bipolar and Paranoid schizophrenia while in the Department of Corrections.
21. Defendants John Wetzel, Tabe Bickel, Lucas Malishchuk, Dr. Hight has created a culture and mentality to deprive inmates ~~and~~ with severely mental ill issues of their D-code stability (D-code meaning severely mentally ill) to save money as it cost more to treat mentally ill inmates with treatment, to place inmates in long-term lockdown with no form of treatment but placed in R.R.L. on lockdown to make it appear inmates don't have mental health issues and keep them locked down to make it appear D.O.C. is abiding by lawsuit settlement by D.O.I. of the history of D.O.C. Keeping mentally ill inmates in lockdown denying treatment where inmates just deteriorate.

21. This is rampant throughout D.O.C./S.C.I. Forest as defendant Wetzel, Bickel, Malishchuk and Wright has disguised the denial of mental health by depriving inmates of their D-code.

23. Plaintiff was a D-code majority of his stay in P.O.C. but was systematically taken due to defendants mass deprivation of such to keep inmates locked down.

24. Like a close friend of plaintiff David Irby who recently committed suicide in hands of D.O.C. as John Wetzel, Lucas Malishchuk, Dr. Wright and Tabe Bickel also took his D-code and denied him mental health treatment that led to his death.

25. Plaintiff is effected by Irby's death and have daily suicidal thoughts like David Irby who was recently at S.C.I. Forest with plaintiff.

26. Plaintiff has aimed to commit suicide countless of times by slitting his wrist which resulted in stitches numerous of times, attempted to hang himself like David Irby, did not eat for 4 months and was force fed, swallowed heavy duty plastic bag and glass and belts and jumping off his sink injuring his back/shoulder.

27. Defendants Bruce Simons, Renee Adams, Lucas Malishchuk, Patrick Oberlander, Dr. Wright is well aware of Plaintiff's extensive history of mental health issues and desire to hurt himself and commit suicide but create a culture to actually deny Plaintiff to speak to a psych and ignore plaintiff by even egging him on to be more extreme.

28. 5-12-20 Plaintiff had a telephone conference with Lucas Malishchuk, Dr. Wright, Derrick Oberlander, Renee Adams, Bruce Simons, Ernie Mangeluzzo, C.C.M. Gustafson, Major Blichu and aimed to state his troubles and mental health concerns and thoughts of suicide.
29. Malishchuk and Dr. Wright swept such issue under the rug and ignored Plaintiff's plea for help and said Plaintiff will not receive mental health treatment until he adjust his behavior and has less self harm incidents. Denying Plaintiff treatment and contributing to Plaintiff mental health stability exacerbating.
30. Derrick Oberlander, Adams, Mangeluzzo, Blichu, Simons and Gustafson has stated they are fed up with Plaintiff and if he commits suicide "it will be your fault" and denies Plaintiff treatment.
31. 5-11-20 Plaintiff attempted to slit his throat with metal. Defendant Adams, Kim Smith, Oberlander and Bruce Simons was made aware and told staff to not let Plaintiff go to P.O.C psychiatric observation to see a psych and placed on suicide watch.
32. Kim Smith, Renee Adams and Derrick Oberlander has made culture at S.C.I. Forist where psychiatric observation cells are reserved for white people by advising staff to question a inmate ethnicity when a phone call is made about a inmate with thoughts of self harm.
33. African American inmates are refused P.O.C. and instead placed on restrictions depriving inmates of everything but not allowed to see a psychiatrist or placed on P.O.C. after committing self harm or laceration.

having self harm thoughts

33. For example on 4-3-20 plaintiff found out David Irby committed suicide and felt severely depressed and expressed thoughts of self harm and attempted to hang himself.

34. Policy was not followed. Plaintiff was not placed on 24 hours suicide watch like white inmates or seen by a psychiatrist. Plaintiff was placed on all restrictions and left in cell naked for attempting to hang himself to death like David Irby.

35. This was due to Bruce Simons, Renee Adams and Oberlander who all have been vocal on refusing plaintiff mental health treatment and holding P.O.C. cells for whites only.

36. With such systematic racism plaintiff is truly in danger and irreparable harm and possible death.

37. 6-16-20 plaintiff notified Dave Perry he was feeling suicidal and homicidal after a hearing.

38. On 6-10-20 The R.H.U. psychologist Jodi Sheesley refused to assess plaintiff and told staff "When he is bleeding I will go see him".

39. On 6-11-20 plaintiff was seen by P.R.C. committee Blich, Gustafson and Mengeluzzo. Plaintiff expressed his thoughts of suicide and daily self harm thoughts. Plaintiff was ignored and not afforded any treatment.

40. 6-11-20 Plaintiff then iterated to LT Larsen that he truly needs to speak to a psych. LT Larsen stated "we got Sheesley down here and you know she is not leaving her office unless there is blood."
41. 6-11-20 Plaintiff attempted to cut/bite his finger off bleeding everywhere which resulted in stitches on 6-11-20.
42. 6-11-20 Plaintiff did not see ~~any~~ psych Sheesley or anyone concerning the self harm/suicidal attempt after he receive stitches he was placed back in his cell. Plaintiff begged to see a psych. And was denied.
43. 6-11-20 Plaintiff banged his head off the toilet and received a gash in the back of his head. Plaintiff attempted to iterate to nurse but was dismissed due to culture defendants Oberlander, Adams, Simon and Kim Smith created regarding Plaintiff and African American inmates.
44. Plaintiff is currently struggling with suicidal thoughts and continues to commit self harm to his body. Plaintiff is severely depressed but denied treatment which exacerbates his mental health stability.
45. Plaintiff's mental state is deteriorating at S.Cit Forrest due to harsh environment and denial of mental health treatment orchestrated by Defendants named to intentionally deny Plaintiff treatment and keep him on 24 hours lockdown for long term without treatment

46. Defendants have created a culture to deny plaintiff/inmate's mental health treatment. Plaintiff has urges/daily thoughts to commit self harm. Defendants are deliberate indifferent to plaintiff's mental health concerns.
47. Plaintiff has initiated a hunger strike since 6/1/20 and have not eaten nothing. Plaintiff is not placed in P.O.C cell where any other inmate is housed on hunger strike/self harm but left in his cell.
48. Defendants Kim Smith, Renee Adams, C.C.P.M. Gustafson, major Buehn and Perick Oberlander has forced Fed plaintiff over 150 times and never was placed in P.O.C as white inmates are. Plaintiff will be force Fed soon according to court order.
49. Last time plaintiff was force Fed plaintiff was over Fed, bleeding out his nose and throat and rectum and Defendants denied him treatment.
50. Plaintiff has had a plethora of issues with viewing his discovery as he is pro-se in *Charron Eastly v. Brenda Duff* No. 1:17-cv-0930.
51. Such discovery consist of 148 videos and over 7000 pages of documents.
52. Upon coming to S.C.I. Forest plaintiff's whole discovery was thrown away by S.C.I. Forest staff in which was admitted and Attorney General had to resend all documents back to plaintiff.

53. June 4 2019 plaintiff's discovery was urinated on by another inmate as Forest staff failed to place his discovery back in secure area in law library.
54. Plaintiff has initiated over 17 grievances about defendants Oberlander, Apudaca, Mongeluzza, Lisa Rehner and Blichman denying plaintiff opportunity to view his discovery.
55. Lisa Rehner receives the documents/videos from Attorney General which at times is held due to her unprofessionalism and in retaliation for plaintiff filing grievances on her about such.
56. Attorney sent Lisa Rehner a video/Flash drive 5-22-20. Plaintiff did not receive until 6-5-20. Which was intentional by Lisa Rehner as there is a pattern of withholding such discovery to hinder plaintiff as a Pro-Se.
57. on 6-5-20 plaintiff requested to view other videos in reference to the Flash drive received on this day from Lisa Rehner.
58. Dave Perry defendant denied plaintiff the opportunity to view such stating Apudaca said "you dont get to view any other videos you already seen" "This is all I got for you"
59. Plaintiff attempted to bring to Perry attention he is Pro-Se and can view his videos as needed.

60 normally Lisa Rehner receives documents/videos and gives them to captain Apodaca.

61 5-29-20 captain Apodaca moved me to another side of R.Hill. Saying "you are to ready with ya legal work and you write grievances."

62 Attorney General has reiterated to defendants like Rehner and Apodaca Plaintiff is allowed to view discovery as needed. Perry is aware of such also.

63 But intentionally hold video for 3 weeks and refuse to reference past videos.

64 6-5-20 a counselor from population that Plaintiff do not know came in possession of documents sent from Attorney General stating "Perry told me to give these to you".

65 This is inconsistent and due to defendants throwing away Plaintiff's whole discovery in past and Plaintiff's legal work. Discovery directed on Plaintiff is concerned about inconsistency.

66 Defendants Oberlander, Mangeluzza, Bickel, Wetzel further place Plaintiff in danger by not provided cleaning utensils or disinfect solution, disinfect soap and common areas not clean during Covid-19 Pandemic.

67. Plaintiff has ~~also~~ also been housed around inmates that may have come in contact with covid-19. The inmates who were quarantined were ~~his~~ placed on same block as Plaintiff although they are to be isolated.

68. Plaintiff risk is substantial due to Defendants failures to put precautions in place to prevent the spread of covid-19.

In Relief Preliminary Injunction / Temporary Restraining order granted Plaintiff request

Proper psych evaluation by outside psychiatrist (outside p.c.c.)
receive proper mental health treatment.

Transferred to a Jail to receive mental health treatment.

Provided extra yard/groups to help with suicidal thoughts.

Afforded to speak to a psychologist weekly.

Provided to view his discovery as needed and a pin put in place to assure documents/videos not hold.

Provided cleaning solution daily, common areas cleaned daily, Provided with antibacterial soap and never housed on same block as inmates who are quarantined.

Respectfully submitted

5-15-20

Warren Essley KAS44

P.O. Box 945

Marionville PA 16239